

## REMARKS

In accordance with the forgoing, claims 19-29 are canceled, without prejudice or disclaimer of the subject matter therein, and claims 1, 3, 4, 6, 7, 9, 10, 12 and 16-18 are amended. The following remarks are respectfully submitted.

Applicant asserts that the amendments to claims 1, 3, 4, 6, 7, 9, 10, 12 and 16-18 have been made for the purposes of clarification in order to timely advance the prosecution of the present application, and that these amendments are not narrowing amendments. Throughout the specification of the present application, "couple", or "coupling", and "electrically couple", or "electrically coupling" are used interchangeably, thus the addition of the modifier "electrically" in each of claims 1, 3, 4, 6, 7, 9, 10, 12 and 16-18 does not narrow the scope of each claim from that originally intended. In addition, with respect to claims 1 and 7, the term 'connector element', as used in the specification in conjunction with lead connector terminals, implies an element adapted to make an electrical connection.

### I. Double Patenting

The Examiner has indicated that the provisional rejection of claims (1, 7, 13, 16 and 19), (3, 9, and 13) (4, 10, and 13), (5 and 11) and (6, 12, 18, and 21) on the ground of obviousness-type double patenting as being unpatentable over claims (6, 13, and 14), 7, 8, 9, and 10, respectively, of co-pending Application No. 10/465,158 will be held in abeyance until such time as claims in the present or other applications are otherwise allowable. Applicant has canceled claims 19 and 21, without prejudice or disclaimer of the subject matter therein, rendering the provisional rejection of these claims moot. Applicant respectfully requests that the Examiner continue to hold the rejection of claims (1, 7, 13 and 16), (3, 9, and 13) (4, 10, and 13), (5 and 11) and (6, 12 and 18) in abeyance.

## II. Rejections under 35 USC §102

Claims 1, 2, 4, 6-8, 10, 12, 16 and 19-24 stand rejected under 35 USC 102(b) as being anticipated by Scheiner et al. (US Patent No. 6,212,434).

Claims 1-4, 7-10, 16, 19, 20, and 23 stand rejected under 35 USC 102(b) as being anticipated by Smyth et al. (US Patent No. 4,393,883). Applicant has canceled claims 19-24, without prejudice or disclaimer of the subject matter therein, rendering the rejection of these claims moot.

Applicant traverses the rejections of claims 1-4, 6-10, 12 and 16, asserting that neither Scheiner et al. nor Smyth et al. teach or suggest every element and limitation of these claims. For example, each of independent claims 1, 7 and 16 define, *inter alia*, a lead that includes an auxiliary connector port. The Examiner has taken the position that the yoke 241 of Scheiner et al. is capable of acting as an auxiliary connector port, and that the junction 30 of Smyth et al. acts as an auxiliary connector port. Applicant has carefully considered the response of the Examiner to the previous arguments presented by the Applicant, but still respectfully asserts that neither the yoke 241 nor the junction 30 can be likened to the auxiliary connector port defined by the claims of the present application.

Independent claim 1 of the present application defines a system including, *inter alia*, **a first lead**, which includes **a second insulated conductor**, **a connector terminal** and **an auxiliary connector port**. Claim 1 goes on to define the auxiliary connector port as including **a connector contact**. Claim 1 goes on to define the connector terminal of the first lead as including, *inter alia*, **a second connector element** electrically coupled to the connector contact of the auxiliary connector port via the second conductor. Claim 1 further defines the auxiliary connector port as being adapted to engage **a connector terminal of a second lead** thereby electrically coupling **a connector element of the second lead** to the second connector element of the connector terminal of the first lead.

Independent claim 7 of the present application defines a medical electrical lead that includes, *inter alia*, **a second insulated conductor**, **an auxiliary connector port**, and **a connector terminal**. Claim 7 goes on to define the

auxiliary connector port as including **a connector contact** adapted to couple an electrode of a second lead. Claim 7 goes on to define the connector terminal as including, *inter alia*, **a second connector element** electrically coupled to the connector contact of the auxiliary port via the second conductor.

Independent claim 16 of the present application defines a supplemental defibrillation lead including, *inter alia*, **a second insulated conductor, a third insulated conductor, an auxiliary connector port, and a connector terminal**. Claim 16 goes on to define the auxiliary connector port as including **a first connector contact** adapted to electrically couple a high-voltage electrode of a second lead and **a second connector contact** adapted to electrically couple a low voltage electrode of the second lead. Claim 16 goes one to define the connector terminal as including **a second connector element** electrically coupled to the first connector contact of the auxiliary port via the second conductor and **a third connector element** electrically coupled to the second connector contact of the auxiliary port via the third conductor.

Scheiner et al. neither teach nor suggest that a first lead include an auxiliary connector port in which a connector contact, being electrically coupled to a connector element of a connector terminal of the first lead, electrically couples a second lead, as is defined by each of the independent claims of the present invention. The Examiner has likened the conductors 246 of Scheiner et al. to connector contacts, while, in fact, these conductors would be better likened to the conductors of the present application. Each of the independent claims of the present application include **both** a conductor and an auxiliary port connector contact, which is coupled to a connector element of a connector terminal by the conductor.

Smyth et al. neither teach nor suggest that a first lead include an auxiliary connector port in which a connector contact, being electrically coupled to a connector element of a connector terminal of the first lead, electrically couples a second lead. The Examiner has indicated that coil 72 of Smyth et al. acts as a connector contact at junction 30 to mechanically couple leads 12 and 14.

Although coil 72 may mechanically couple leads 12 and 14, coil 72 cannot act as an electrically coupled connector contact according to the teaching of Smyth et al. Applicant respectfully directs the Examiner's attention to column 3, lines 37-40 where Smyth et al. indicate that coil 72 "is not used as an electrical conductor".

In light of the arguments present above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-4, 6-10, 12 and 16.

### III. Rejections under 35 USC §103

Claims 1, 2, 4, 5, 7, 8, 10, 11, 16-20, 23, 25-29 stand rejected under 35 USC § 103(a) as being unpatentable over Levine, previously cited, in view of Scheiner et al. Applicant has canceled claims 19, 20, 23 and 25-29, without prejudice or disclaimer of the subject matter therein, rendering the rejection of these claims moot.

Applicant traverses the rejection of claims 1, 2, 4, 5, 7, 8, 10, 11 and 16-18 asserting that neither Levine nor Scheiner et al., either alone or in combination, teach or suggest every element and limitation of the claims. For example, each of independent claims 1, 7 and 16 defines a connector terminal of a lead including, *inter alia*, first, second and third connector elements. The Examiner has indicated that Levine discloses a system wherein a first lead includes an auxiliary connector port 60 that includes first, second and third connector elements, and has referred to Figure 9 for support. Applicant submits that claims 1, 7 and 16 of the present invention do not define a connector port to include connector elements, rather these claims define a **connector terminal of a lead** to include first, second and third connector elements. Secondly, Applicant submits that what the Examiner has call a connector port, item 60, is in fact defined by Levine to be a bipolar lead adapter and respectfully directs the Examiner's attention to column 13, line 15 - column 14, line 50 of Levine for a complete description of the adaptor 60. Upon careful review of Levine, Applicant asserts that Levine neither teaches nor suggests that a connector terminal of a

lead include first, second and third connector elements, as defined by the claims of the present invention.

In light of the arguments presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 2, 4, 5, 7, 8, 10, 11 and 16-18.

#### **IV. Allowable Subject Matter**

Claim 13 would be allowable if rewritten or amended to overcome the double patenting rejection set forth in this Office Action.

Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully requests that, because the Examiner is holding the provisional double patenting rejection of claim 13 in abeyance, the Examiner hold the objection to claims 14 and 15 in abeyance as well.

#### **V. Telephone Interview**

Applicant is grateful to Examiners Heller and Layno for taking the time to discuss this case with Applicant's representative, Elisabeth Lacy Belden, on Wednesday, October 25, 2006. In the interview, Ms. Belden sent, via e-mail, to Examiners Layno and Heller, a copy of amended claims 1, 7, and 16, as presented herein, and presented a verbal synopsis of the arguments presented herein for discussion. After reviewing the arguments and pertinent elements of claims 1, 7 and 16, Examiner Heller indicated her agreement with the arguments presented herein related to the Scheiner et al. and the Smyth et al. references. At the close of the interview, Ms. Belden requested that Examiner Heller also consider these arguments as relevant to the parent application (Application control number 10/465,158) of the present application, against which Examiner Heller has cited the same references.

**VI. Conclusion**

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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Date

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